

Top 2 Primary Advisory 09: County Questions (Write-in Votes) August 25, 2008

In addition to the email sent 8/22 (see attached), several other important questions from county elections staffs about the processing of write-in votes deserve further clarification from our office:

1. If individual write-in votes must be tallied, are votes for all write-ins reported?
2. Must write-in votes for multi-county offices be tallied and reported?
3. When is it necessary to recount a PCO race, and if the race is tied, how do we determine a winner?
4. Is the County Auditor required to issue Certificates of Election?

Question #1: If individual votes must be tallied, are votes for all write-ins reported?

Only valid write-in names must be reported. When tallying individual votes, tally the votes for each candidate. If the vote is for someone who is not a registered voter in the district, the vote may be accounted for in a general category, such as “other” or “uncertified”.

After applying the rules in the Voter Intent Manual, individually tallied votes plus the general category should equal the total number of write-in votes cast for an office.

Checking the VRDB to verify a write-in name is registered in a district is optional. If no one by that name is registered, the vote may be added to the general category described above. Please be aware that it is possible for voters to have names that are the same as fictional characters such as “Mickey Mouse”, “Santa Claus”, and “Anyone Else”. Please check the VRDB before determining a write-in candidate is not a registered voter in the district. For your convenience, we’ve attached a list of names already checked on the VRDB.

Question #3: Must write-in votes for multi-county offices be tallied and reported?

If only one candidate filed in an office, then yes, tally and report write-in votes for individual candidates with your certification. The 1% rule will automatically require a tally of write-ins.

If more than one candidate filed in an office and pre-inspection procedures outlined in the attached email are followed, then tallying and reporting may not be necessary. If the number of

write-in votes exceeds the number of votes received by the 2nd place candidate within your county, please notify the OSOS Certification and Training Program. All counties will be required to tally votes for that office when this occurs.

Question #4: When is it necessary to recount a PCO race, and if the race is tied, how do we determine a winner?

The same recount rules and statutes will apply to PCO races as apply to other offices. If you have the write-in ballots segregated, only the ballots with write-in votes need to be recounted.

In the event of a tie after conducting the recount, the winner would be determined by lot. If you have more than two candidates with tied votes, you may need to use a different method, such as drawing a name or number. (RCW Chapter 29A.64 and WAC Chapter 434-264)

Question #5: Is the county required to issue Certificates of Election?

It is up to the County Auditor whether to issue Certificates of Election or not. We suggest following standard procedures used in previous PCO elections.

Additional information contained in “Advisory 07: Write-in Votes” still applies, and can be accessed on our website: <http://www.secstate.wa.gov/elections/Top2PrimaryAdvisories.aspx> .

If you have questions, please contact the Certification and Training Program, (360) 902-4180.